

## **AGENDA ITEM #7**

September 15, 2000

To: Delta Protection Commission

From: Ryan Kelly, Legislative & Environmental Services Intern

Subject: Legislative Update

The second year of the current legislative session began on January 3, 2000, and will run through November 30, 2000. Over the course of the year, bills remaining from the first year of the session, as well as bills introduced this year, were considered. This memo, the final legislative update for the session, includes the status of all bills included in the previous update memo.

The deadline for the Legislature to pass bills was August 31. Any bills not receiving the required number of votes for passage are dead, and are included in this memo only for the Commissioners' information.

### ***WATER***

#### **AB 303: Thomson: GROUNDWATER**

The bill would enact the Local Groundwater Management Assistance Act of 2000. The bill would create the Local Groundwater Assistance Fund. The bill would authorize the money in the fund, upon appropriation by the Legislature, to be used by the Department of Water Resources to assist local public agencies by awarding grants to those agencies to conduct groundwater studies, or to carry out groundwater monitoring and management activities, or both. The bill would require the Department to award grants based on the recommendations of a Technical Advisory Panel, the members of which would be required to be appointed by the Secretary of the Resources Agency. The bill would authorize the Department to enter into contracts and to adopt regulations approved by the panel to carry out the grant program. The bill would require the Department to use prescribed funds appropriated in the Budget Act of 2000 for the purposes of the grant program, as specified.

**STATUS:** Enrolled (8/31/00).

#### **AB 732: Machado: WATER-TRANSFER CLEARINGHOUSE**

This bill would require the State Water Resources Control Board, on or before January 1, 2002, in consultation with the Department of Water Resources and the United States Bureau of Reclamation, to develop criteria for use in evaluating impacts arising from proposed water transfers, as prescribed.

**STATUS:** DEAD (last action 8/7/00).

**AB 980: Ducheny: CONJUNCTIVE USE PROGRAMS**

This bill would authorize the Department of Water Resources to provide grants to local public agencies for the purposes of undertaking feasibility studies, conjunctive use facilities, local pilot projects, and other facilities that are integral to the implementation of a conjunctive use plan or project, and for the acquisition of land for conjunctive use projects.

**STATUS:** DEAD (last action 4/29/99).

**AB 1741: Thomson: WATER TRANSFERS**

This bill would provide that water transfers between users within counties, watersheds, or other areas of origin shall be deemed not to operate to the injury of any legal user of water that is not located within the same hydrologic area as the transferor of the water.

**STATUS:** DEAD (last action 5/10/00).

**SB 1341: Burton: WATER RESOURCES**

This bill would require the Department of Water Resources to update the California Water Plan on or before December 31, 2003, and every 5 years thereafter. The bill would require the Department to provide written notice to interested persons of meetings of a prescribed advisory committee that assists the Department in updating the California Water Plan. The bill would require the Department to include in the California Water Plan a discussion of the potential for alternative water pricing policies, as prescribed. The bill would require the Department, as part of updating the California Water Plan, to conduct a study to determine the amount of water needed to meet the State's future needs and to recommend programs, policies, and facilities to meet those needs, as prescribed. The bill would require the Department, by January 1, 2002, and one year prior to issuing each successive update to the California Water Plan, to release a preliminary draft of the assumptions and estimates upon which the study will be based. The bill would make related findings and declarations.

**STATUS:** Enrolled (8/31/00)

**SB 1586: Costa: CALFED FUNDING**

This bill would declare that the Legislature certifies the programs and projects described in the CALFED Record of Decision to be funded by those provisions of the Budget Act of 2000 are consistent with the final programmatic environmental impact statement/environmental impact report dated July 2000 and certified by the appropriate state lead agency, and that funds appropriated by those provisions are eligible for expenditure by the appropriate agency.

**STATUS:** DEAD (last action 8/31/00).

**SB 1923: Costa: WATER RESOURCES**

Under existing law, when a person entitled to use water under an appropriative right fails to use any part of the water due to conservation efforts, the reduction is deemed equivalent to a reasonable beneficial use of the water. Under this bill, the State Water Resources Control Board would be required to require any use seeking the benefits of these provisions to file periodic reports describing the extent and amount of the reduction in use due to conservation efforts. Also, this bill would require the State Water Resources Control Board to provide an opportunity for review by the Department of Water Resources prior to approving a petition for a long-term transfer of water.

**STATUS:** DEAD (last action 7/6/00).

**SB 1956: Polanco: WATER: BIOSOLIDS**

Publicly owned treatment works produce residuals as a result of wastewater treatment that must be disposed of, reused on land, or incinerated. When these residuals have low pollutant concentrations and are treated to reduce pathogens so that they may be safely recycled, they are called "biosolids". This bill would make legislative findings and declarations relative to promoting cooperation among local governments relating to the recycling of biosolids.

**STATUS:** DEAD (last action 4/24/00).

**SB 1973: Perata: WATER CHARGES**

This bill would authorize any bona fide transferor to file a petition with the Public Utilities Commission for an adjudication of whether the determination of the amount of fair compensation, as defined, made by a State, regional, or local public agency for the proposed use of unused capacity in a water conveyance facility is consistent with a specified definition and guidelines. The bill would require that any determination by the Commission regarding certain facilities involving the Sacramento-San Joaquin Delta and the San Francisco Bay included a certification, as prescribed. The bill would provide that a water conveyance facilities owner and a bona fide transferor are subject to the jurisdiction of the Commission, as specified, would make violations of these provisions a crime, and would require those entities to provide information to the Commission, as prescribed, thereby imposing a State-mandated local program. The bill would require the Commission to remand the case to the State, regional, or local public agency for a re-determination, unless the Commission determines that the public interest would be impaired by a delay. In that case, the Commission would be authorized to determine the amount of fair compensation, as prescribed.

**STATUS:** DEAD (last action 7/6/00).

## **SB 2139: Johnson: STATE WATER PROJECT CONVEYANCE FACILITIES**

Existing law prohibits a State, regional, or local public agency from denying a bona fide transferor of water, if fair compensation is paid and prescribed requirements are met. This bill would require the Department of Water Resources, to convey that water in accordance with those provisions on the same terms and conditions and at the lowest price that would be applicable to that district for the conveyance of that water for its own account. The bill would authorize the district to assess an administrative charge. The bill would provide that its provisions would become operative only if SB 1973 is chaptered and takes effect on or before January 1, 2001. The bill would provide that its provisions would become inoperative on December 31, 2001, or on the date on which the Public Utilities Commission established prescribed guidelines, whichever date is earlier, and are repealed on January 1, 2002.

**STATUS:** DEAD (last action 7/6/00).

## ***ENVIRONMENT***

### **AB 2785: Torlakson: MARINE ENVIRONMENT: SACRAMENTO-SAN JOAQUIN DELTA**

This bill, applicable only to the portion of the Delta located in Contra Costa County, authorizes the county or a landowner to petition Department of Fish and Game, on or before January 1, 2002, to prepare a delta resource conservation and development mitigation plan for that portion of the Delta located within Contra Costa County. The plan shall generally provide for the conservation of fish and wildlife habitat resources, and anticipate and resolve potential conflicts between habitat conservation and private and public activities potentially affecting those resources.

**STATUS:** DEAD (last action 3/16/00).

## **SB 1740: Leslie: NOXIOUS WEED MANAGEMENT**

This bill would create and appropriate \$10 million from the General Fund to the Yellow Star Thistle and Other Noxious Weeds Statewide Control Program under the jurisdiction of the Department of Food and Agriculture. The Department would be required to develop a strategic plan for administering and implementing a statewide noxious weed control program. The bill would require the Department to actively seek new, effective biological weed control agents and to work in conjunction with State and federal agencies to minimize duplication of efforts.

**STATUS:** Chaptered by Secretary of State (9/7/00). Chapter 315, Statutes of 2000.

## ***AGRICULTURE***

### **AB 2736: Aanestad: AGRICULTURAL LAND PROTECTION ACT**

This bill would enact the Agricultural Land Protection Act in order to provide a reasonable level of protection for landowners that own agricultural property adjacent to habitat/conservation lands. The bill would impose certain duties on the owners of the habitat/conservation lands (such as controlling rodents, pests, and noxious weeds on the property, maintaining any levees on the property for flood control purposes, and ensuring continuation of ongoing farming practices in the presence of endangered species). The bill would authorize the owner of adjacent agricultural property to recover damages from a governmental entity that designated the lands as habitat if damage attributed to wildlife becomes an economic problem on the agricultural property.

**STATUS:** DEAD (last action 4/27/00).

### ***RECREATION***

#### **SB 57: Hayden: (FORMERLY) PARKS, NATURAL RESOURCES, AND CLEAN COSTAL WATERS: BOND ACT**

**STATUS:** DEAD (changed into the Santa Monica Bay Restoration Project)

### ***FLOOD RELIEF/LEVEES***

#### **SB 257: Ortiz: FLOOD PROTECTION**

This bill would prohibit the State from paying more than 50% of those nonfederal costs associated with projects that are authorized by the State on or after January 1, 2001. This bill would adopt and authorize prescribed projects for flood control in the City of Sacramento and the counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for State participation upon the recommendation and the advice of the Department of Water Resources or the Reclamation Board.

**STATUS:** DEAD (last action 8/21/00).

#### **SB 854: Costa: FLOOD CONTROL**

Existing law provides that, in order for flood control projects to be eligible for State funds, a project is required to be authorized by the Legislature before it is authorized by Congress. This bill would repeal those provisions. The bill would require a flood management project that receives financial assistance under the State Water Resources Law of 1975 or the Flood Control Law of 1946 to meet prescribed requirements prior to State authorization. The bill would revise requirements relating to the payment of prescribed nonfederal costs for projects authorized by the Legislature on or after January 1, 2000, and for specified small flood management projects for which prescribed findings are made on or after January 1, 2000, in accordance with a specified schedule. The bill would make related legislative findings and declarations and a statement of legislative intent.

**STATUS:** DEAD (last action 8/21/00).

**AB 2002: Steinberg: FLOOD CONTROL**

This bill would adopt and authorize prescribed projects for flood control in the City of Sacramento and the counties of Sacramento and Sutter. Among those prescribed projects are: flood control in the Natomas/North Sacramento areas; flood control along the American and Sacramento Rivers; project to modify Folsom Dam; and the project for flood control, environmental restoration, and recreation along South Sacramento County streams.

**STATUS:** DEAD (last action 8/18/00).

**AGENCIES**

**AB 1581: Lowenthal: WATER: LOCAL PORT AND HARBOR AGENCIES: FEDERAL NAVIGATION PROJECTS**

This bill would appropriate \$12 million from the General Fund to the Director of Boating and Waterways for allocation for the 1999-2000 fiscal year to specified local port and harbor agencies for the purpose of meeting local cost share requirements for federal navigation projects. The language specifies that \$953,000 would be given to the Port of Sacramento and \$147,000 would be given to the Port of Stockton.

**STATUS:** DEAD (last action 8/23/00).

**AB 1839: Machado: CALIFORNIA BAY-DELTA COMMISSION**

Under existing law, certain State and federal agencies with management and regulatory responsibilities in the Bay-Delta estuary participate in the CALFED Bay-Delta Program to improve ecosystem quality, water supply reliability, water quality, and the integrity of levees and channels. This bill would create the California Bay-Delta Commission, consisting of 9 members. This bill would make related findings relative to the need to provide program-wide oversight and coordination (but not to develop or manage the individual programs) with regard to the implementation of the adopted CALFED plan.

**STATUS:** DEAD (last action 8/31/00).

**AB 2419: Machado: WATER DISTRICTS**

The South Delta Water Agency and Central Delta Water Agency Acts grant those water agencies specified powers, including the authority to negotiate, enter into, and enforce agreements to protect the water supply for those lands. This bill would authorize those water agencies to assist landowners, districts, and water right holders within their respective boundaries, and take all reasonable and lawful actions, to protect vested water rights and represent those parties in water right proceedings.

**STATUS:** Chaptered by Secretary of State 7/19/00. Chapter 134, Statutes of 2000.

**AB 2646: Calderon: REGIONAL WATER QUALITY CONTROL BOARDS**

This bill would make technical changes to the Porter-Cologne Water Quality Control Act, regarding the membership of regional water quality control boards. The nine members appointed by the Governor to each regional water quality control board shall reside or have a principal place of business within the region. The membership would consist of: one person associated with water supply, conservation, and production; one person associated with irrigated agriculture; one person associated with industrial water use; one person associated with municipal government; one person associated with county government; one person from a responsible nongovernment organization associated with recreation, fish, or wildlife; and three persons not specifically associated with any categories, two of whom shall have special competence in areas related to water quality problems.

**STATUS:** DEAD (last action 8/31/00).

**SB 1114: Hayden: FISH AND WILDLIFE**

This bill would change the name of the Department of Fish and Game and the Fish and Game Commission to the Department of Fish and Wildlife and the Fish and Wildlife Commission, respectively. The mission of the Commission and the Department would be to conserve, protect, enhance, and maintain healthy, sustainable, and viable wildlife resources for varying purposes. This bill would require the Department to divide the State into 11 bioregions and to submit a report to the Commission and the Legislature that describes the resources being managed in each bioregion. The Governor would be required to appoint members who represent specified interests on the Fish and Wildlife Commission.

**STATUS:** DEAD (last action 9/10/99).

**SB 1281: Costa: URBAN RIVER PARKS PROJECTS**

Existing law authorizes the expenditure of State funds for local assistance grants to cities, counties, and districts for the acquisition and development of various park and recreational areas and facilities. This bill would enact the California River Parkways Act of 2000 for the purpose of directly improving the quality of life in California by providing recreational, open space, wildlife, educational, flood control, and water quality benefits to communities in the State. The bill would authorize the Secretary of the Resources Agency to award grants to State and local agencies and nonprofit organizations for feasible river parkway projects. The bill would require the Secretary, in awarding those grants, to give priority to projects that accomplish specified objectives. The bill would prescribe related matters. The bill would appropriate \$5,750,000 from the River Protection Prevention Bond Fund to the Secretary of the Resources Agency for specified capital outlay and local assistance projects.

**STATUS:** DEAD – filed in Senate Unfinished Business (8/31/00).

**SB 1355: Johnston: DELTA PROTECTION COMMISSION**

**STATUS:** DEAD (The language from this bill was transferred to AB 2930 – see below)

**AB 2930: Torlakson: DELTA PROTECTION COMMISSION**

The existing Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 establishes the Delta Protection Commission, and prescribes the membership of the Commission. The Act provides that the term of office of members of the Commission is 4 years, and prohibits a member from serving more than 2 terms. The Act also provides for the abolition of the Commission on January 1, 2010. This bill would delete the 2-year term limit for members of the Commission, and instead, would permit a member to serve for one or more consecutive terms. This bill would also repeal the provision abolishing the Commission on January 1, 2010.

**STATUS:** Enrolled (8/30/00).